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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Juan Ramon LEPE-Martinez,** Defendant	Magistrate Docket No. '08 MJ 0563 KWH COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 25, 2008,** within the Southern District of California, defendant, **Juan Ramon LEPE-Martinez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **FEBRUARY 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Juan Ramon LEPE-Martinez

PROBABLE CAUSE STATEMENT

On February 25, 2008 Senior Patrol Agent A. Molina, was performing linewatch duties in the Imperial Beach area of operations. At approximately 5:30 A.M., a scope operator advised Agent Molina via service radio, of three individuals approaching an area known as the "Elbow." This area is approximately one mile west of the San Ysidro, California Port of Entry and approximately two hundred yards north of the United States/Mexico International Boundary.

Upon arriving, in the area Agent Molina found two individuals laying on the ground attempting to hide. He identified himself as a United States Border Patrol Agent and questioned the subjects, including one later identified as **Juan Ramon LEPE-MARTINEZ** as to their citizenship and nationality. Both individuals admitted to being citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. At approximately 5:40 A.M., Agent Molina arrested the subjects had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 17, 2005** through **El Paso, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. He stated his intended destination was Los Angeles, California.